

10
in

Notice of Allowability	Application No.	Applicant(s)	
	09/845,326	YAMAGUCHI, RYO	
	Examiner	Art Unit	
	Ling-Siu Choi	1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 01/04/2005.
2. ☒ The allowed claim(s) is/are 2-4, 6 and 7.
3. ☒ The drawings filed on 01 May 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

2e

DETAILED ACTION

1. This Office Action is in response to the Amendment filed January 4, 2005. Claims 6-7 have been added and claims 1-7 are now pending.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CAR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Manabu Kanesaka on April 1, 2005.

3. The application has been amended as follows:
Cancel claims 1 and 5 without prejudice;
Claim 2, line 1, change "according to claim 1" to --according to claim 6--;
Claim 3, line 1, change "according to claim 1" to --according to claim 6--.

Allowable Subject Matter

4. Claims 2-4 and 6-7 are allowed.

5. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest reference: Rosenthal et al. (US 4,882, 127) and Saito et al. (US 5,785,835).

The present invention relates to a gel process plate comprising

a base member	a plurality of concave portions each having a depth and a bottom surface provided with holes
a lid member	a plurality of convex portions each having a height less than the depth of the concave portion of the base member and a top surface provided with holes
when the base member and the lid member are assembled, a space is defined between each of the bottom surface of the concave portion and each of the top surface of the convex portion to hold a piece therein for processing while allowing the liquid to pass through the holes of the top and bottom portions	

(summary of claim 1)

Rosenthal et al. disclose a device for solid phase sequencing of nucleic acid sequents comprising (a) a **plurality of sequencing blocks** for storing and processing nucleic acid fragments, each of sequencing blocks including a base block and a plurality of reaction vessels inserted in said base block and corresponding to the number of different nucleic acid fragments to be sequenced; (b) a **plurality of lids** for closing the sequencing blocks, each having a plug-like elevations according to a number and a distribution pattern of the reaction vessels; (c) a sample dosing device for orienting labeled nucelic acid samples from the sequencing blocks

Art Unit: 1713

onto areas of a carrier matrix in a simultaneous fashion; (d) a plurality of carrier holders for fixing said carrier matrix in a predetermined position during the immobilization of the nucleic acid samples with the sample dosing device; and (e) a punch for simultaneous punching of immobilized and chemically modified nucleic acid samples as the individual carrier segments out of the carrier matrix into the sequencing blocks (claim 1 and all figures). However, Rosenthal et al. do not teach or fairly suggest a device comprising both **bottom surface and top surface having holes to allow the liquid to pass through the holes** for processing.

Saito et al. disclose an electrophoresis gel-matrix layer having two mutually opposite ends for application of an electrophoresis voltage thereto, an exposed major surface extending between the two ends and a plurality of wells in the thickness of the layer opening at the exposed surface, wherein the wells are arranged in a plurality of rows, each extending transversely of the end-to-end direction of the layer, and wherein the wells in successive rows are aligned with each other so as to form columns which are aligned in the end-to-end direction, (claim 1 and all figures). However, Saito et al. do not teach or fairly suggest a device comprising both **bottom surface and top surface having holes to allow the liquid to pass through the holes** for processing.

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1713

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner=s supervisor, David Wu, can be reach on 571-272-1114.

Ling-Sui Choi

**LING-SUI CHOI
PRIMARY EXAMINER**

April 4, 2005